

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GREGORY KONRATH,

Plaintiff,

v.

FIRELAKE CASINO,

Defendant.

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Case No. CIV-16-1377-HE

**REPORT AND RECOMMENDATION**

Plaintiff, Gregory Konrath, brings this action pursuant to 42 U.S.C. § 1983 alleging violations of federal law by Defendant. Plaintiff identifies himself as a “pro se prisoner” at Westville Correctional Facility in Westville, Indiana. Plaintiff’s claims against Defendant relate to his alleged gambling addiction.


Plaintiff did not submit the \$400.00 filing fee required to commence this action. Instead, Plaintiff submitted a document headed “Offender Trust System Transaction History Inquiry” [Doc. No. 2]. Plaintiff did not accompany the document with an appropriate motion requesting leave to proceed in forma pauperis. *See* 28 U.S.C. § 1915(a). Therefore, the Court directed Plaintiff to cure this and other deficiencies on or before January 3, 2017. *See* Order [Doc. No. 3]. When Plaintiff failed to respond, the Court sua sponte extended Plaintiff’s time within which to do so until January 19, 2017. *See* Second Order to Cure Deficiencies [Doc. No. 4]. To date, Plaintiff still has not responded to the Court’s order. Plaintiff has failed to cure the deficiencies and has not shown good cause for his failure to do so, or requested an extension of time to comply with the Court’s orders.

Under these circumstances, it is recommended that Plaintiff's action be dismissed without prejudice to refileing unless within twenty-one days of any order adopting this Report and Recommendation, Plaintiff pays the \$400.00 filing fee in full to the Clerk of Court.<sup>1</sup>

**NOTICE OF RIGHT TO OBJECT**

Plaintiff is advised of his right to object to this Report and Recommendation. *See* 28 U.S.C. § 636. Any objection must be filed with the Clerk of the District Court by February 13, 2017. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to make timely objection to this Report and Recommendation waives the right to appellate review of the factual and legal issues addressed herein. *Moore v. United States*, 950 F.2d 656 (10th Cir. 1991).

ENTERED this 23<sup>rd</sup> day of January, 2017.

  
BERNARD M. JONES  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Plaintiff is litigious. He has has filed numerous cases, mostly in the United States District Court for the Northern District of Indiana. In the interim period between the submission of his Complaint in this action and the period within which the Court extended Plaintiff's time to cure deficiencies, the Northern District of Indiana Court entered an Opinion and Order detailing Plaintiff's abusive litigation practices. *See Konrath v. Unity Healthcare, LLC*, Case No. 3:17 CV 009 (N.D. Ind., South Bend Div.) (Opinion and Order, Jan. 5, 2017) [Doc. No. 5]. As set forth in the Court's Opinion and Order, pursuant to 28 U.S.C. § 1915(g), Plaintiff has been barred from proceeding in forma pauperis based on a finding that he has "accumulated at least 18 strikes." *Id.*